

MENTAL HEALTH CRISIS LINE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

Committee Note:

The Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill addresses the operation of the statewide mental health crisis line and local mental health crisis lines.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the Division of Substance Abuse and Mental Health (division) to enter into or modify contracts to provide the statewide mental health crisis line;
- ▶ requires the division to ensure that the statewide mental health crisis line meets certain staffing and operational standards;
- ▶ requires local mental health authorities to ensure that local mental health crisis lines meet certain staffing and operational standards;
- ▶ requires local mental health authorities and the division to ensure that calls may be transferred from local mental health crisis lines to the statewide mental health crisis line to ensure a timely and effective response to calls;
- ▶ amends the duties of the Mental Health Crisis Line Commission; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 [17-43-301](#), as last amended by Laws of Utah 2016, Chapter 113

34 [17-43-305](#), as last amended by Laws of Utah 2016, Chapter 113

35 [63C-18-203](#), as enacted by Laws of Utah 2017, Chapter 23

36 ENACTS:

37 [62A-15-1301](#), Utah Code Annotated 1953

38 [62A-15-1302](#), Utah Code Annotated 1953

39 [62A-15-1303](#), Utah Code Annotated 1953



41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section [17-43-301](#) is amended to read:

43 **[17-43-301. Local mental health authorities -- Responsibilities.](#)**

44 (1) As used in this section:

45 (a) "Crisis worker" means the same as that term is defined in Section [62A-15-1301](#).

46 (b) "Local mental health crisis line" means the same as that term is defined in Section
47 [63C-18-102](#).

48 (c) "Mental health therapist" means the same as that term is defined in Section
49 [58-60-102](#).

50 (d) "Public funds" means the same as that term is defined in Section [17-43-303](#).

51 (e) "Statewide mental health crisis line" means the same as that term is defined in
52 Section [63C-18-102](#).

53 [(+)] (2) (a) (i) In each county operating under a county executive-council form of
54 government under Section [17-52-504](#), the county legislative body is the local mental health
55 authority, provided however that any contract for plan services shall be administered by the
56 county executive.

57 (ii) In each county operating under a council-manager form of government under
58 Section [17-52-505](#), the county manager is the local mental health authority.

59 (iii) In each county other than a county described in Subsection [~~(1)~~] (2)(a)(i) or (ii),
60 the county legislative body is the local mental health authority.

61 (b) Within legislative appropriations and county matching funds required by this
62 section, under the direction of the division, each local mental health authority shall:

63 (i) provide mental health services to persons within the county; and

64 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to
65 promote integrated programs that address an individual's substance abuse, mental health, and
66 physical healthcare needs, as described in Section [62A-15-103](#).

67 (c) Within legislative appropriations and county matching funds required by this
68 section, each local mental health authority shall cooperate with the efforts of the Department of
69 Human Services to promote a system of care, as defined in Section [62A-1-104](#), for minors with
70 or at risk for complex emotional and behavioral needs, as described in Section [62A-1-111](#).

71 [~~(2)~~] (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
72 Cooperation Act, two or more counties may join to:

73 (i) provide mental health prevention and treatment services; or

74 (ii) create a united local health department that combines substance abuse treatment
75 services, mental health services, and local health department services in accordance with
76 Subsection [~~(3)~~] (4).

77 (b) The legislative bodies of counties joining to provide services may establish
78 acceptable ways of apportioning the cost of mental health services.

79 (c) Each agreement for joint mental health services shall:

80 (i) (A) designate the treasurer of one of the participating counties or another person as
81 the treasurer for the combined mental health authorities and as the custodian of money
82 available for the joint services; and

83 (B) provide that the designated treasurer, or other disbursing officer authorized by the
84 treasurer, may make payments from the money available for the joint services upon audit of the
85 appropriate auditing officer or officers representing the participating counties;

86 (ii) provide for the appointment of an independent auditor or a county auditor of one of
87 the participating counties as the designated auditing officer for the combined mental health
88 authorities;

89 (iii) (A) provide for the appointment of the county or district attorney of one of the

90 participating counties as the designated legal officer for the combined mental health
91 authorities; and

92 (B) authorize the designated legal officer to request and receive the assistance of the
93 county or district attorneys of the other participating counties in defending or prosecuting
94 actions within their counties relating to the combined mental health authorities; and

95 (iv) provide for the adoption of management, clinical, financial, procurement,
96 personnel, and administrative policies as already established by one of the participating
97 counties or as approved by the legislative body of each participating county or interlocal board.

98 (d) An agreement for joint mental health services may provide for:

99 (i) joint operation of services and facilities or for operation of services and facilities
100 under contract by one participating local mental health authority for other participating local
101 mental health authorities; and

102 (ii) allocation of appointments of members of the mental health advisory council
103 between or among participating counties.

104 [~~(3)~~] (4) A county governing body may elect to combine the local mental health
105 authority with the local substance abuse authority created in Part 2, Local Substance Abuse
106 Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local
107 Health Department Act, to create a united local health department under Section 26A-1-105.5.
108 A local mental health authority that joins with a united local health department shall comply
109 with this part.

110 [~~(4)~~] (5) (a) Each local mental health authority is accountable to the department, the
111 Department of Health, and the state with regard to the use of state and federal funds received
112 from those departments for mental health services, regardless of whether the services are
113 provided by a private contract provider.

114 (b) Each local mental health authority shall comply, and require compliance by its
115 contract provider, with all directives issued by the department and the Department of Health
116 regarding the use and expenditure of state and federal funds received from those departments
117 for the purpose of providing mental health programs and services. The department and
118 Department of Health shall ensure that those directives are not duplicative or conflicting, and
119 shall consult and coordinate with local mental health authorities with regard to programs and
120 services.

- 121 ~~[(5)]~~ (6) (a) Each local mental health authority shall:
- 122 (i) review and evaluate mental health needs and services, including mental health needs
123 and services for persons incarcerated in a county jail or other county correctional facility;
- 124 (ii) ~~[as provided]~~ in accordance with Subsection ~~[(5)]~~ (6)(b), annually prepare and
125 submit to the division a plan approved by the county legislative body for mental health funding
126 and service delivery, either directly by the local mental health authority or by contract;
- 127 (iii) establish and maintain, either directly or by contract, programs licensed under Title
128 62A, Chapter 2, Licensure of Programs and Facilities;
- 129 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
130 programs and prescribe the director's duties;
- 131 (v) provide input and comment on new and revised rules established by the division;
- 132 (vi) establish and require contract providers to establish administrative, clinical,
133 personnel, financial, procurement, and management policies regarding mental health services
134 and facilities, in accordance with the rules of the division, and state and federal law;
- 135 (vii) establish mechanisms allowing for direct citizen input;
- 136 (viii) annually contract with the division to provide mental health programs and
137 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
138 Mental Health Act;
- 139 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
140 contract requirements, and any directives resulting from those audits and contract requirements;
- 141 (x) provide funding equal to at least 20% of the state funds that it receives to fund
142 services described in the plan;
- 143 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
144 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title
145 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
146 Other Local Entities Act; and
- 147 (xii) take and retain physical custody of minors committed to the physical custody of
148 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
149 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.
- 150 (b) Each plan under Subsection ~~[(5)]~~ (6)(a)(ii) shall include services for adults, youth,
151 and children, which shall include:

- 152 (i) inpatient care and services;
- 153 (ii) residential care and services;
- 154 (iii) outpatient care and services;
- 155 (iv) 24-hour crisis care and services;
- 156 (v) psychotropic medication management;
- 157 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 158 (vii) case management;
- 159 (viii) community supports, including in-home services, housing, family support
160 services, and respite services;
- 161 (ix) consultation and education services, including case consultation, collaboration
162 with other county service agencies, public education, and public information; and
- 163 (x) services to persons incarcerated in a county jail or other county correctional facility.
- 164 (7) (a) If a local mental health authority provides for a local mental health crisis line
165 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local
166 mental health authority shall:
- 167 (i) collaborate with the statewide mental health crisis line described in Section
168 [62A-15-1302](#);
- 169 (ii) ensure that each individual who answers calls to the local mental health crisis line:
170 (A) is a mental health therapist or a crisis worker; and
171 (B) meets the standards of care and practice established by the Division of Substance
172 Abuse and Mental Health, in accordance with Section [62A-15-1302](#); and
- 173 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,
174 calls are immediately routed to the statewide mental health crisis line to ensure that when an
175 individual calls the local mental health crisis line, regardless of the time, date, or number of
176 individuals trying to simultaneously access the local mental health crisis line, a mental health
177 therapist or a crisis worker answers the call without the caller first:
- 178 (A) waiting on hold; or
179 (B) being screened by an individual other than a mental health therapist or crisis
180 worker.
- 181 (b) If a local mental health authority does not provide for a local mental health crisis
182 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the

183 local mental health authority shall use the statewide mental health crisis line as a local crisis
184 line resource.

185 ~~[(6)]~~ (8) Before disbursing any public funds, each local mental health authority shall
186 require that each entity that receives any public funds from a local mental health authority
187 agrees in writing that:

188 (a) the entity's financial records and other records relevant to the entity's performance
189 of the services provided to the mental health authority shall be subject to examination by:

190 (i) the division;

191 (ii) the local mental health authority director;

192 (iii) (A) the county treasurer and county or district attorney; or

193 (B) if two or more counties jointly provide mental health services under an agreement
194 under Subsection ~~[(2)]~~ (3), the designated treasurer and the designated legal officer;

195 (iv) the county legislative body; and

196 (v) in a county with a county executive that is separate from the county legislative
197 body, the county executive;

198 (b) the county auditor may examine and audit the entity's financial and other records
199 relevant to the entity's performance of the services provided to the local mental health
200 authority; and

201 (c) the entity will comply with the provisions of Subsection ~~[(4)]~~ (5)(b).

202 ~~[(7)]~~ (9) A local mental health authority may receive property, grants, gifts, supplies,
203 materials, contributions, and any benefit derived therefrom, for mental health services. If those
204 gifts are conditioned upon their use for a specified service or program, they shall be so used.

205 ~~[(8)]~~ (a) ~~As used in this section, "public funds" means the same as that term is defined~~
206 ~~in Section 17-43-303.]~~

207 ~~[(b)]~~ (10) Public funds received for the provision of services pursuant to the local
208 mental health plan may not be used for any other purpose except those authorized in the
209 contract between the local mental health authority and the provider for the provision of plan
210 services.

211 Section 2. Section 17-43-305 is amended to read:

212 **17-43-305. Responsibility for cost of services provided by local mental health**
213 **authority.**

214 If a local mental health authority, through its designated provider, provides any service
215 described in Subsection ~~[17-43-301(5)]~~ 17-43-301(6)(b) to a person who resides within the
216 jurisdiction of another local mental health authority, the local mental health authority in whose
217 jurisdiction the person resides is responsible for the cost of that service if its designated
218 provider has authorized the provision of that service.

219 Section 3. Section **62A-15-1301** is enacted to read:

220 **Part 13. Statewide Mental Health Crisis Line**

221 **62A-15-1301. Definitions.**

222 As used in this part:

223 (1) "Commission" means the Mental Health Crisis Line Commission created in Section
224 63C-18-202.

225 (2) "Crisis worker" means an individual who:

226 (a) meets the standards of qualification or certification that the division sets, in
227 accordance with Section 62A-15-1302; and

228 (b) staffs the statewide mental health crisis line or a local mental health crisis line
229 under the supervision of at least one mental health therapist.

230 (3) "Local mental health crisis line" means the same as that term is defined in Section
231 63C-18-102.

232 (4) "Mental health therapist" means the same as that term is defined in Section
233 58-60-102.

234 (5) "Statewide mental health crisis line" means the same as that term is defined in
235 Section 63C-18-102.

236 Section 4. Section **62A-15-1302** is enacted to read:

237 **62A-15-1302. Contracts for statewide mental health crisis line -- Crisis worker**
238 **qualification or certification.**

239 (1) (a) The division shall enter into a new contract or modify an existing contract to
240 manage and operate the statewide mental health crisis line, in accordance with this part, and to
241 encourage collaboration with local mental health crisis lines.

242 (b) Through the contract described in Subsection (1)(a) and in consultation with the
243 commission, the division shall set standards of care and practice for the mental health
244 therapists and crisis workers who staff the statewide mental health crisis line.

245 (2) (a) The division shall establish training and minimum standards for the
246 qualification or certification of crisis workers who staff the statewide mental health crisis line
247 and local mental health crisis lines.

248 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
249 Administrative Rulemaking Act, necessary to establish the training and minimum standards
250 described in Subsection (2)(a).

251 Section 5. Section **62A-15-1303** is enacted to read:

252 **62A-15-1303. Statewide mental health crisis line operational standards.**

253 In consultation with the commission, the division shall ensure that:

254 (1) the following individuals are available to staff and answer calls to the statewide
255 mental health crisis line 24 hours per day, 365 days per calendar year:

256 (a) mental health therapists; or

257 (b) crisis workers;

258 (2) a sufficient amount of staff is available to ensure that when an individual calls the
259 statewide mental health crisis line, regardless of the time, date, or number of individuals trying
260 to simultaneously access the statewide mental health crisis line, an individual described in
261 Subsection (1) answers the call without the caller first:

262 (a) waiting on hold; or

263 (b) being screened by an individual other than a mental health therapist or crisis
264 worker; and

265 (3) the statewide mental health crisis line has capacity to accept all calls that local
266 mental health crisis lines route to the statewide mental health crisis line.

267 Section 6. Section **63C-18-203** is amended to read:

268 **63C-18-203. Commission duties -- Reporting requirements.**

269 (1) (a) The commission shall:

270 (i) identify a method to integrate existing local mental health crisis lines to ensure each
271 individual who accesses a local mental health crisis line is connected to a qualified mental or
272 behavioral health professional, regardless of the time, date, or number of individuals trying to
273 simultaneously access the local mental health crisis line;

274 (ii) study how to establish and implement a statewide mental health crisis line,
275 including identifying:

276 (A) a statewide phone number or other means for an individual to easily access the
277 statewide mental health crisis line, including a short code for text messaging and an N11
278 number for calls;

279 (B) a supply of qualified mental or behavioral health professionals to staff the
280 statewide mental health crisis line; and

281 (C) a funding mechanism to operate and maintain the statewide mental health crisis
282 line; and

283 (iii) coordinate with local mental health authorities in fulfilling the commission's duties
284 described in Subsections (1)(a)(i) and (ii).

285 (b) The commission may conduct other business related to the commission's duties
286 described in Subsection (1)(a).

287 [~~(2) Before November 30, 2017, the commission shall report to the Political~~
288 ~~Subdivisions Interim Committee regarding:]~~

289 [~~(a) the extent to which the commission fulfilled the commission's duties described in~~
290 ~~Subsection (1); and]~~

291 [~~(b) recommendations for future legislation related to integrating local mental health~~
292 ~~crisis lines or establishing a statewide mental health crisis line.]~~

293 (2) The commission shall consult with the Division of Substance Abuse and Mental
294 Health regarding the standards and operation of the statewide mental health crisis line, in
295 accordance with Title 62A, Chapter 15, Part 13, Statewide Mental Health Crisis Line.

Legislative Review Note
Office of Legislative Research and General Counsel